

DETAILED ACTION
EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with A. Blair Hughes on 14 August 2008.

The application has been amended as follows:

Cancel claims 88-98.

Response to Arguments

Applicant's arguments with respect to claim 60-67, 81 and 82 presented in an Pre-Appeal Brief (06/10/2008) have been considered and are persuasive.

Claim 60-67, 81 and 82 are allowed. Claims 68-80 and 83-87, which claim to a nonelected invention but depend upon and require all the limitations of an allowed claim 60, are hereby rejoined pursuant to the procedures set forth in MPEP § 821.04(a). The restriction requirement set forth in previous office action on claims 68-80 and 83-87 are therefore withdrawn.

In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such

claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLIE PENG whose telephone number is (571)272-2177. The examiner can normally be reached on 9 am - 6 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHARLIE PENG/

Art Unit: 2883

Patent Examiner, Art Unit 2883

08/14/2008

Application Number**Application/Control No.**

10/506,559

**Applicant(s)/Patent under
Reexamination**

WESTHALL ET AL.

Examiner

CHARLIE PENG

Art Unit

2883